

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

-against-

JOEL LINGAT and JOSEPH EUGENE LEMAY,

Defendants.

1:21-cr-573-MKV

AMENDED ORDER

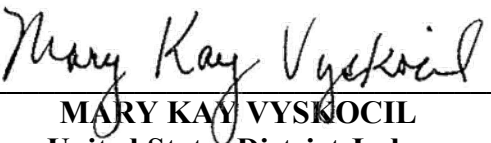
MARY KAY VYSKOCIL, United States District Judge:

As the Court advised the parties at the conclusion of the trial when setting sentencing dates for Defendants, “if there are to be any orders with respect to financial penalties, if they are on consent . . . they should be submitted with the Government’s submission. If there are disputes, then [the Court] need[s] to know [] in advance of sentencing so [the Court] can h[old] whatever hearing [is] need[ed] . . . about the issues with financial penalties.” [ECF No. 175]. This means that the Government must advise the defense in advance whether it seeks restitution and in what amount. If the defense consents, the parties should submit a consent order at the time of the government’s sentencing submission. However, if the parties disagree on either whether restitution should be ordered or as to the amount, they must advise the Court sufficiently in advance of sentencing to allow for briefing if necessary and or a hearing/oral argument.

Accordingly, IT IS HEREBY ORDERED that to the extent the Government intends to seek restitution at Defendant Lemay’s sentencing and there are any disputes, the Government shall file a letter on the docket advising the Court of such disputes in addition to its legal arguments and case law supporting its position **on or before September 6, 2024**. IT IS FURTHER ORDERED that any response and/or opposition by Defendant Lemay is due **on or before September 20, 2024**. The letters shall be **no longer than 5 pages single spaced**.

SO ORDERED.

Date: August 22, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge